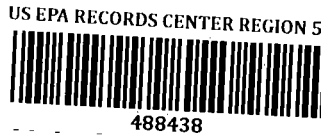


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March 20, 2015

**BY OVERNIGHT DELIVERY**

Margaret Herring, Civil Investigator  
U.S. Environmental Protection Agency, Region 5  
Superfund Division  
Enforcement and Compliance Assurance Branch (SE-5J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

**Re: Response to Request for Information for the South Dayton Dump & Landfill Site in Moraine, Ohio**

Dear Ms. Herring:

This letter provides the response of Reynolds and Reynolds Company ("Reynolds") to the Request for Information dated January 16, 2015 (the "Information Request") that the U.S. Environmental Protection Agency ("EPA") sent to Reynolds concerning the South Dayton Dump & Landfill Site in Moraine, Ohio (the "Site").

**The Timing and Scope of Reynolds' Response**

Because of the breadth of the Information Request and the historic nature of the information sought, Reynolds advised EPA that it needed additional time to respond to the Information Request. EPA agreed to allow Reynolds until March 20, 2015 to respond. Accordingly, this response is timely.

Based on concerns raised by Reynolds and other parties who received identical Information Requests, EPA also agreed to limit the scope of the Information Request in two important respects. First, EPA agreed to limit the time period covered by the Information Request to the years 1941 through 1996 based on EPA's assertion that those were the years the Site received wastes for disposal. Second, EPA agreed to limit the geographic scope of the Information Request to facilities located within 50 miles of the Site, presumably based on EPA's recognition

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that facilities located more than 50 miles from the Site would not have sent wastes to the Site for disposal.

**General Objections to the Information Request**

As evidenced by EPA's agreement to limit the scope of the Information Request, the Information Request is, in many respects, "of such a sweeping nature and so unrelated to the matter properly under inquiry as to exceed the investigatory power" of the Agency. *U.S. v. Morton Salt Co.*, 338 U.S. 632, 652 (1950). Reynolds asserts, without limitation, the following general objections to the scope of the Information Request.

1. Reynolds objects to the Information Requests as unduly burdensome and unreasonably broad, insufficiently definite and specific, and exceeding the statutory authority of EPA to the extent the Information Request is not limited in time and/or to the extent EPA seeks to modify the Information Request to cover a fifty-six year period spanning the later half of the last century.
2. Reynolds objects to the Information Request as unduly burdensome and unreasonably broad, insufficiently definite and specific, and exceeding the statutory authority of EPA to the extent the Information Request is not limited in geographic scope and/or to the extent EPA seeks to modify the Information Request to include facilities that did not send materials or wastes to the Site for disposal.
3. Reynolds objects to the Instructions included as Enclosure 4 to the Information Request (the "Instructions") as unduly burdensome and unreasonably broad to the extent they seek to require Reynolds to respond to the Information Request based on information or documents not in Reynolds' possession, custody, or control.
4. Reynolds objects to the Instructions to the extent they seek to require Reynolds to produce information or documents protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or other applicable privileges or protections from disclosure.
5. Reynolds objects to the definition of "facility or facilities" in Enclosure 5 to the Information Request ("Definitions") as insufficiently definite and specific to the extent these terms are defined as "property or properties located within the areas of interest for the Site." For purposes of this Response, Reynolds will construe "facility" and "facilities" as referring to the former Reynolds production facility located at 800 Washington Street, Dayton, Ohio 45401 (the "former Reynolds production facility"). This facility ceased operations in or about 1997, and was sold in or about 2002 or 2003. The buyer subsequently demolished the former Reynolds production facility.

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6. Reynolds objects to the definition of “identify” in the Definitions as unduly burdensome to the extent it seeks to require Reynolds to provide a detailed description of documents produced to EPA in response to the Information Request.
7. Reynolds objects to the definition of “you” in the Definitions as insufficiently definite and specific to the extent it fails to identify the natural person or entity EPA asserts is obligated to respond to the Information Request. For purposes of this Response, “you” will be construed to mean Reynolds and Reynolds Company.

**Objections and Responses to Specific Requests for Information**

Reynolds responds to the specific questions contained in the Information Request as follows.

1. **Identify all persons consulted in the preparation of the answers to these questions.**

Response:

Reynolds objects to this question to the extent it seeks to require Reynolds to disclose information protected from disclosure by the attorney-client privilege or the attorney work product doctrine. Subject to and without waiving its objections, Reynolds states that the following persons, who may be contacted through the undersigned counsel for Reynolds, were involved in searching for responsive information and documents:

Charles R. Havener  
Director of Marketing  
Reynolds Document Services  
Reynolds and Reynolds Company

2. **Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.**

Response:

Reynolds objects to this question as unduly burdensome to the extent it would require Reynolds to identify all documents reviewed, consulted, or examined in responding to the Information Request. Subject to and without waiving its objections, Reynolds states that

it has not identified any documents in its possession, custody, or control that are responsive to the questions posed in the Information Request.

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3. **If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.**

Response:

Reynolds has not identified persons that it has reason to believe may be able to provide a more detailed or complete response to any question in the Information Request or who may be able to provide additional responsive documents to the questions posed in the Information Request.

4. **Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.**

Response:

Reynolds objects to this question as unduly burdensome to the extent it would require Reynolds to provide the names, addresses, telephone numbers, and e-mail addresses of any individuals "who may be knowledgeable about Reynolds' operations." Subject to and without waiving its objections, Reynolds states that it has not identified any individuals knowledgeable of any hazardous substance handling, storage, and disposal practices, during the period 1941 through 1996, at the former Reynolds production facility.

5. **State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.**

Response:

Reynolds has not identified any dates on which it sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site.

6. **Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did**

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**Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.**

Response:

Reynolds is not aware of any credible evidence that it transported any materials to SDDL.

**PERMITS/REGISTRATIONS**

- 7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.**

Response:

Reynolds has not identified any federal, state, or local permits and/or registrations for the transport and disposal of materials, during the period 1941 through 1996, from the former Reynolds production facility.

- 8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.**

Response:

See response to Question No. 7.

- 9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?**

Response:

Reynolds objects to this question as insufficiently definite and specific. To the extent the question is intended to ask about the transportation of any hazardous substances, during the period 1941 to 1996, from the former Reynolds production facility, Reynolds states that it has not identified any information or documents concerning the transportation of such substances.

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- 10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.**

Response:

See response to Question No. 7.

- 11. Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.**

Response:

Reynolds has not identified any responsive information in its possession, custody, or control for the period 1941 through 1996 relating to the former Reynolds production facility.

- 12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.**

Response:

Reynolds has not identified any Notification of Hazardous Waste Activity for the period 1941 through 1996 filed with the EPA or the corresponding agency or official of the State of Ohio relating to the former Reynolds production facility.

**RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/RECYCLING/SALE  
OF WASTE (INCLUDING BY-PRODUCTS)**

- 13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste**

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**management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e- mail address.**

Response:

Reynolds has not identified individuals who may have had responsibility for environmental matters, during the period 1941 through 1996, at the former Reynolds production facility.

**14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:**

- (a) the type of container (e.g. 55 gal. drum, dumpster, etc.);**
- (b) the colors of the containers;**
- (c) any distinctive stripes or other markings on those containers;**
- (d) any labels or writing on those containers (including the content of those labels);**
- (e) whether those containers were new or used; and**
- (f) if those containers were used, a description of the prior use of the containers.**

Response:

Reynolds has not located information about the containers used, during the period 1941 through 1996, to take waste from the former Reynolds production facility.

**15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.**

Response:

Reynolds has not located information about the contracts, agreements, or other arrangements for the disposal, treatment, or recycling of wastes, during the period 1941 through 1996, from the former Reynolds production facility. Reynolds also has not located any documents relating to the transportation or disposal of said waste, including

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correspondence, manifests, or records or any communications between Reynolds and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

**16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.**

**(a) State where Respondent sent each type of its waste for disposal, treatment, or recycling.**

**(b) Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).**

**(c) If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.**

**(d) For each type of waste specify which Waste Carrier picked it up.**

**(e) For each type of waste, state how frequently each Waste Carrier picked up such waste.**

**(f) For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).**

**(g) For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.**

**(h) Provide copies of all documents containing information responsive to the previous seven questions.**

**(i) Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:**

- (i) the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);**
- (ii) names or markings on the vehicles; and**
- (iii) the color of such vehicles.**

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(j) Identify all of each Waste Carrier's employees who collected Respondent's wastes. k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.

(k) Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

(l) Describe how Respondent managed pickups of each waste, including but not limited to:

- (i) the method for inventorying each type of waste;
- (ii) the method for requesting each type of waste to be picked up;
- (iii) the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
- (iv) the amount paid or the rate paid for the pickup of each type of waste;
- (v) the identity of (see Definitions) Respondent's employee who paid the bills; and
- (vi) the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.

(m) Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.

(n) State the basis for and provide any documents supporting the answer to the previous question.

(o) Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:

- (i) the nature and chemical composition of each type of waste;
- (ii) the dates on which those wastes were disposed;
- (iii) the approximate quantity of those wastes disposed by month and year;

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(iv) **the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and**

(v) **whether and what pretreatment was provided.**

(p) **Identify any sewage authority or treatment works to which Respondent's waste was sent.**

(q) **If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.**

Response:

See response to Question No. 15.

#### **RESPONDENT'S ENVIRONMENTAL REPORTING**

**17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.**

Response:

Reynolds has not identified any Resource Conservation and Recovery Act Identification Numbers issued to Reynolds, during the period 1941 through 1996, for operations at the former Reynolds production facility.

**18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.**

Response:

Reynolds has not identified any federal offices to which Reynolds sent or filed information about hazardous substances or hazardous wastes, during the period 1941 through 1996, related to the former Reynolds production facility.

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- 19. State the years during which such information was sent/filed.**

Response:

See response to Question No. 18.

- 20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.**

Response:

Reynolds has not identified any state offices to which Reynolds sent or filed, during the period 1941 through 1996, hazardous substance or hazardous waste information for the former Reynolds production facility.

- 21. State the years during which such information was sent/filed.**

Response:

See response to Question No. 20.

- 22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.**

Response:

Reynolds objects to this question on the grounds that it calls for legal opinion and analysis. Subject to and without waiving its objections, Reynolds states that it has not identified any reports submitted under the identified statutes, rules, and regulations, during the period 1941 to 1996, for the former Reynolds production facility.

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**23. Identify the federal and state offices to which such information was sent.**

Response:

See response to Question No. 20.

Reynolds' Response to the Information Request is based on the information and documents known and available to Reynolds as of the date this Response. Reynolds reserves the right to supplement or amend this Response if additional information or documents become known or available to Reynolds in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Duke K. McCall, III".

Duke K. McCall, III  
Counsel for Reynolds and Reynolds Company

cc: Richard Rauch, Esq.

Enclosure

**CERTIFICATION OF RESPONSE TO REQUEST FOR INFORMATION**

I certify under penalty of law that I have reviewed the response of Reynolds and Reynolds Company to EPA's Request for Information dated January 16, 2015, and that based on my inquiry of those individuals responsible for obtaining the information contained in Reynolds' response, Reynolds' response is, to the best of my knowledge and belief, true and accurate.

*Charles R. Havener*

---

Charles R. Havener  
Marketing Director

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